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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,218	08/26/2003	Larry Kim	JAM-02902/29	5415

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EXAMINER

CHANG, JOSEPH

ART UNIT	PAPER NUMBER
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2817

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/649,218

Applicant(s)

KIRN, LARRY

Examiner

Joseph Chang

Art Unit

2817

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 12 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Objections***

Claim 3 is objected to because of the following informalities: the recitation "of claim 3" should be --of claim 2--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Wagner US Patent No. 4,065,765.

Wagner discloses a method of demodulating a pulsewidth-modulated data stream using an asynchronous clock (Col.1, lines 63-67), comprising the steps of: measuring a temporal aspect (Figures 2 and 3 show timing diagram, one complete data cycle) of the asynchronous clock (Col.1, lines 65-67); and locking onto the data stream (Col.1, line 46) in accordance with the measured periods (one complete data cycle).

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Barnes US Patent No. 3,760,412.

Barnes discloses a nonsynchronous binary demodulator which would necessarily perform the method of demodulating a pulsewidth-modulated data stream (10) using an asynchronous clock (14, independent from Data Input), comprising the steps of:

measuring a temporal aspect (24 produces  $f_0$  or  $f_0/2$ ) of the asynchronous clock (10 having  $f_0$ ); and locking onto the data stream (10, DATA INPUT) in accordance with the measured periods (output of 24).

Regarding Claims 2 and 3, the ratio of measured periods is 2:1 (24 produces  $f_0$  or  $f_0/2$ ).

### **Response to Arguments**

Applicant's arguments filed 12/4/01 have been fully considered but they are not persuasive.

Regarding applicant comments directed rejection of claim 1 under USC 102(b) over Wagner, Applicant argues "Nowhere can applicant find in Wagner, the teaching of measuring a temporal aspect of the clock and locking onto the data stream in accordance with a measured period". This argument is not persuasive because as indicated in the previous Office Action, measuring a temporal aspect (Figures 2 and 3 show timing diagram, one complete data cycle) of the asynchronous clock (Col.1, lines 65-67); and locking onto the data stream (Col.1, line 46) in accordance with the measured periods (one complete data cycle). It is noted that the device of Wagner employs a pair of asynchronous clocking and "synchronized with the data input" in Col.1, line 46 means "locking onto the data stream" as recited in the claim.

Regarding applicant comments directed rejection of claim 1 under USC 102(b) over Barnes, Applicant argues "it appears to be insufficient disclosure, and insufficient explanation of that disclosure to rely upon anticipation". This argument is not

persuasive because the figure and its functional signal paths clearly show and follow claimed recitations as indicated in the previous Office Action.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

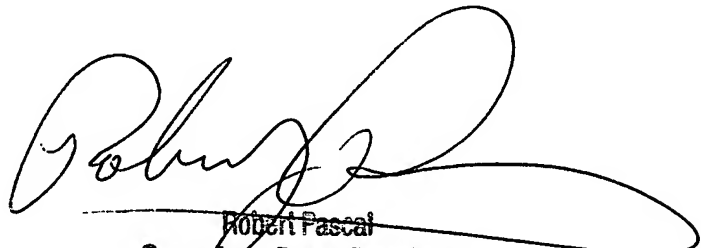
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Chang whose telephone number is 571 272-1759. The examiner can normally be reached on Mon-Fri 0700-1730.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (571) 272-1769. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC



Robert Pascal  
Supervisory Patent Examiner  
Technology Center 2800